

**OPINION
65-307**

August 24, 1965 (OPINION)

General James Guthrie

Chairman

State Employee Retirement Board

RE: State - Employees Retirement System - Employees of

Your request for an opinion in behalf of the State Retirement Board is herewith acknowledged.

The State Employee Retirement Board was created by the Legislature, not merely authorized to be organized as are corporations and associations. When the Legislature created this board, it became a public body or agency as the Constitution prohibits the Legislature from enacting special laws for the purpose of organizing a private corporation.

For that reason it is our opinion that any full-time, permanent employee of the State Retirement Board is an eligible employee insofar as participation in the State Employee Retirement Plan is concerned. An eligible employee is defined in section 54-52-01 N.D.C.C. 1965 Supplement as an employee of the State of North Dakota whose compensation is paid out of state funds or funds controlled or administered by a state department, or paid by the federal government through any of its executive or administrative officials, and who has reached the age of 21 years, and has been employed for five continuous months by the state and is employed for more than 20 hours per week and more than five months each year.

Presuming that all other requirements are met, such employees would necessarily be employees of the state and eligible employees as defined in Chapter 54-52 N.D.C.C. 1965 Supplement.

For the purpose of Social Security coverage under Chapter 52-10 N.D.C.C., it is our opinion that such employees would be considered as employees of the State of North Dakota.

Under the provisions of Chapter 52-12 N.D.C.C., it is our opinion that such employees are employees of an agency of the State of North Dakota and are eligible for coverage under the State Employees' Medical and Life Insurance Plan.

Under the provisions of the Workmen's Compensation Laws of the State of North Dakota, such employees would be employees of the state and the provisions of Title 65 N.D.C.C. would be applicable.

HELGI JOHANNESON

Attorney General